Remarks

Claims 1-35 are pending in this application. Claims 3 and 26 are objected to for informalities. Claims 1, 4-6, 10, 14-15, 18-19, 24, 27-29, and 33 are rejected as being anticipated by U.S. Patent Publication No. 2002/0152178A1 referred to hereafter as Lee. Claims 2-3, 7-9, 13, 16, 20-23, 25-26, and 30-32 are rejected as unpatentable over Lee in view of U.S. Pub. No. 2002/0111919A1 referred to hereafter as Weller. Claims 11-12, 17, and 34-35 are rejected as unpatentable over Lee in view of U.S. Pat. No. 6,978,019B1 referred to hereafter as Lapstun (note, throughout paragraph 6 of the office action the Examiner cites Weller but is believed by Applicants to have intended to refer to Lapstun; clarification is invited). Claims 3, 23, and 26 are amended to correct typographical errors. The specification is also amended to correct typographical errors. The above-identified patent application has been published as US Patent Application Publication 2004/0068472A1, and references to the specification in this response are in terms of paragraphs of the publication for the Examiner's convenience.

Objections

Claims 3 and 26 were objected to, as the term "an antennae" is an article mismatch that requires correction. Claims 3 and 26 are amended in this response to resolve the objection. Claim 23 and several paragraphs of the specification are similarly amended. No new matter is added.

Claim Rejections Under 35 USC §102(b)

Claims 1, 4-6, 10, 14-15, 18-19, 24, 27-29 and 33 have been rejected under 35 USC §102(b) as anticipated by Lee. Applicants respectfully traverse the rejection on the grounds that Lee fails to teach or suggest numerous features claimed in independent claims 1 and 24.

Claim 1

Independent claim 1 reads:

1. (Original) A method of performing a transaction comprising:

placing a first device in wireless communication with a second device;

selecting an application deployed on the first device which will be utilized to conduct the transaction, wherein the application selected is supported by the second device;

determining transaction processing capabilities supported by the second device;

communicating application data from the first device to the second device, wherein the application data is selected in response to the transaction processing capabilities; and

processing the application data as required by the application to approve or disapprove the transaction.

(Emphasis added). These highlighted features are described in the present specification in paragraph [0029] and paragraph [0030] for example, which states in part "Standard PPSE operates by the terminal requesting information on the applications supported by the card. The card responds with the AID's for the supported applications and priority indicators for each application. ... The terminal receives this information from the card and determines which of the applications supported by the card are also supported by the terminal. The terminal then selects the mutually supported application with the highest priority indicator as the application for use in the given transaction."

In contrast, although Lee does describe a credit card transaction system with contactless communication (e.g. paragraph [0017] of Lee), Lee does not teach or suggest any of the highlighted aspects of claim 1. Indeed, not only the cited portions of Lee but all of Lee is entirely silent as to each of the highlighted features of claim 1. Therefore, allowance is respectfully requested.

Dependent claims 4-6, 10, 14-15, and 18-19, that depend on independent claim 1 above, are also not anticipated for the same reason provided for claim 1. These dependent claims are

further patentable based on the additional limitations that are added by each such dependent claim.

Claim 24

Independent claim 24 reads:

24. (Original) A method for **selecting an application** for use in approving or disapproving a transaction over a wireless interface comprising:

transmitting the applications supported by a first device to a second device in wireless communication with the first device;

comparing the applications supported by the first device to applications supported by the second device;

displaying on the second device the mutually supported applications to a user of the first device;

selecting a desired application from the mutually supported applications displayed on the second device, wherein such selection is performed by the user of the first device;

communicating the desired application from the second device to the first device; and

communicating from the first device to the second device data necessary for the desired applications to approve or disapprove the transaction.

(Emphasis added). These highlighted features are described in the present specification for example in paragraphs [0029]-[0030] as described above regarding claim 1, but also in Figure 4, and paragraph [0012] which particularly notes in part "In a preferred embodiment, the cardholder will select the payment service to be utilized in the transaction from a list of services mutually supported by the point of sale terminal on the contactless card." See also paragraph [0040]

which describes how an embodiment of the invention "allows the cardholder to make the selection of the application to be used in the transaction". Further steps are also delineated in paragraph [0040], including "the terminal requesting that the card...[identifies] the applications deployed on the card 400. The card transmits 405 this information over the wireless interface. ... The terminal then determines which of the applications supported by the card are also supported by the terminal 410. The mutually supported applications are then displayed to the cardholder 415 who selects the application to use in the transaction 420."

In contrast, Lee neither teaches nor suggests any of these features. Indeed the underlying concept of the present invention described in paragraph [0011] of the specification is simply not considered by Lee at all: "a method for performing a transaction...wherein the electronic device and the point of sale terminal can exchange data across either a contactless interface or a contact based interface." Therefore, allowance is respectfully requested.

Dependent claims 27-29 and 33, that depend on independent claim 24 above, are also not anticipated for the same reason provided for claim 24. These dependent claims are further patentable based on the additional limitations that are added by each such dependent claim.

Claim Rejections Under 35 USC §103(a)

Claims 2-3, 7-9, 13, 16, 20-23, 25-26, and 30-32 have been rejected under 35 USC §103(a) as being unpatentable over Lee in view of Weller. Claims 11-12, 17, and 34-35 have been similarly rejected as unpatentable over Lee in view of Lapstun.

Claims 2-3, 7-9, 13, 16, 20-23, 25-26 and 30-32

Applicants respectfully traverse the rejection of claims 2-3, 7-9, 13, 16, 20-23, 25-26, and 30-32 as being unpatentable over Lee in view of Weller. As noted above, independent claims 1 and 24, on which all these rejected claims depend, include highlighted elements neither taught nor suggested by Lee. Weller similarly fails to teach or suggest those elements. Instead, Weller is directed to a method for authenticating the identity of a cardholder during an online transaction, as noted in paragraph [0008] of Weller for example. Therefore, allowance is

respectfully requested. These dependent claims are further patentable based on the additional limitations that are added by each such dependent claim.

Claims 11-12, 17, and 34-35

Applicants respectfully traverse the rejection of claims 11-12, 17, and 34-35 as being unpatentable over Lee in view of Lapstun. As noted above, independent claims 1 and 24, on which all these rejected claims depend, include highlighted elements neither taught nor suggested by Lee. Lapstun similarly fails to teach or suggest those elements. Instead, Lapstun is evidently directed to registering a user for use of a terminal of a computer system using printed registration forms with invisibly printed indicia (claim 1). Therefore, allowance is respectfully requested. These dependent claims are further patentable based on the additional limitations that are added by each such dependent claim.

Applicants note that the portion of Lapstun cited for the rejection of claim 17 (column 21, lines 50-65) refers to handwriting recognition algorithms that can work with access only to a bitmap of pen markings. The relevance of this reference to the present invention is elusive; clarification is invited.

Conclusion

Therefore, all rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned representative for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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